

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>LESTER McGRONE, BOP # 12913-045,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 10-550-GPM</b>
	)	
<b>R. DAVIS, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

This action is before the Court on Plaintiff Lester McGrone's response to the Court's order entered January 13, 2011, granting McGrone leave to proceed in forma pauperis ("IFP") in this case (Doc. 27). In the Court's January 13 order the Court found that McGrone, a prisoner in the custody of the Federal Bureau of Prisons who currently is confined at the United States Penitentiary in Terre Haute, Indiana ("USP Terre Haute"), is indigent and unable to pay the full \$350.00 filing fee for this action in advance. *See* Doc. 20 at 1. Pursuant to 28 U.S.C. § 1915(b), the Court ordered McGrone to pay an initial partial filing fee of \$3.38. *See id.* In McGrone's response to the Court's January 13 order, McGrone advises the Court that he is without resources to pay even the sum of \$3.38 toward the filing fee for this case at this time. *See* Doc. 27 at 1. Accordingly, pursuant to 28 U.S.C. § 1915(b), it is hereby **ORDERED** that McGrone shall pay the \$350.00 filing fee for this action as follows:

1. McGrone has been without funds for six months, he is currently without funds, and he appears to have no means currently with which to pay an initial partial filing fee. Accordingly, the Court will not assess an initial partial filing fee. *See* 28 U.S.C. § 1915(b)(4).

2. McGrone shall make monthly payments of twenty percent of the preceding month's income credited to McGrone's prison trust fund account until the filing fee is paid in full.
3. The agency having custody of McGrone shall forward payments from McGrone's account to the Clerk of Court each time the amount in the account exceeds \$10.00 until the filing fee is paid. Payments shall be mailed to: Clerk's Office, United States District Court for the Southern District of Illinois, P.O. Box 249, East St. Louis, Illinois 62202.

It is **further ORDERED** that if judgment is rendered against McGrone, and the judgment includes the payment of costs under 28 U.S.C. § 1915, McGrone will be required to pay the full amount of the costs, notwithstanding that his application to proceed IFP has been granted. *See* 28 U.S.C. § 1915(f)(2)(A).

The Court reminds McGrone that under 28 U.S.C. § 1915, he incurred the obligation to pay the \$350.00 filing fee for this lawsuit when the lawsuit was filed, and this obligation continues regardless of later developments in the lawsuit, such as dismissal of the suit. *See* 28 U.S.C. § 1915(b)(1), (e)(2); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998); *In re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997). Also, McGrone is **ADVISED** that at the time application was made under 28 U.S.C. § 1915 for leave to commence this civil action without being required to prepay fees and costs or give security for the same, the applicant and his or her attorney were deemed to have entered into a stipulation that the recovery, if any, secured in the action shall be paid to the Clerk of Court, who shall pay therefrom all unpaid costs taxed against McGrone and remit the balance to McGrone. *See* SDIL-LR 3.1(c)(1).

McGrone is **further ADVISED** that he is under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in his address, and that the Court will not independently investigate his whereabouts. This shall be done in writing and not later than

seven (7) days after a transfer or other change in address occurs. Failure to comply with this Order will cause a delay in the transmission of court documents, and may result in a dismissal of this action for want of prosecution.

The Clerk of Court is **DIRECTED** to mail a copy of this Order to McGrone and to the Trust Fund Officer at USP Terre Haute *upon entry of this Order*.

**IT IS SO ORDERED.**

DATED: January 31, 2011

/s/ G. Patrick Murphy  
G. PATRICK MURPHY  
United States District Judge